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9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA

11 OAKLAND DIVISION

12 SAM CLAYTON,)) No. C 07-2781 CW
13 Plaintiff,)	
14 v.)	
15 Secretary of Dept of Homeland Security, aka)	JOINT CASE MANAGEMENT
MICHAEL CHERTHOFF;)	STATEMENT and [Proposed] ORDER
16 Director of U.S. Citizenship and Immigration)	
Services, aka EDUARDO AQUIRE;)	
17 Deputy District Director of U.S. Citizenship)	
and Immigration Services' San Francisco Office,)	
aka DAVID STILL;)	
Director of FBI aka ROBERT S. MUELLER;)	
19 Attorney General;)	
Department of Homeland Security; U.S.)	
20 Citizenship and Immigration Services; FBI;)	
United States;)	
21 Defendants.)	

23 1. Jurisdiction and Service:

24 The basis asserted by plaintiff for this Court's jurisdiction is 28 U.S.C. § 1331, 5 U.S.C. § 701
 25 and 28 U.S.C. § 1361. The parties do not dispute that venue is proper in this district. No issues
 26 exist regarding personal jurisdiction or venue, and no parties remain to be served.

27 2. Facts:

28 The plaintiff filed a Form I-485 application to adjust his status to lawful permanent resident

1 with the United States Citizenship and Immigration Services (USCIS) on or about August 14,
2 2006. The USCIS has not yet adjudicated the Form I-485 application. The plaintiff filed an action
3 on May 29, 2007, seeking an order from this Court directing USCIS to adjudicate his Form I-485
4 application.

5 3. Legal Issues:

6 Whether this Court should dismiss the plaintiff's action for lack of subject matter jurisdiction.
7 If this Court has jurisdiction, whether the USCIS is processing the plaintiff's I-485 application
8 within a reasonable period of time.

9 4. Motions:

10 Plaintiff filed a motion for summary judgment and defendants have cross-moved for summary
11 judgment.

12 5. Amendment of Pleadings:

13 No parties, claims or defenses are expected to be added or dismissed.

14 6. Evidence Preservation:

15 The parties do not have any evidence that falls within this category.

16 7. Disclosures:

17 The parties believe that the initial disclosure requirements of Fed. R. Civ. P. 26 do not apply to
18 this case.

19 8. Discovery:

20 The parties do not intend to take any discovery at this time.

21 9. Class Actions:

22 N/A

23 10. Related Cases:

24 The parties are not aware of any related case or cases.

25 11. Relief:

26 The plaintiff asks this Court to direct USCIS to adjudicate his Form I-485 application.

27 12. Settlement and ADR:

28 The parties' filed an ADR Certification and Notice of Need for ADR Phone Conference on

1 September 19, 2007.

2 13. Consent to Magistrate Judge for All Purposes:

3 The parties consent to a magistrate judge.

4 14. Other References:

5 The parties do not believe that this case is suitable for reference to binding arbitration, a
6 special master, or the Judicial Panel on Multidistrict Litigation.

7 15. Narrowing of Issues:

8 The parties do not believe that the issues can be narrowed by agreement or by motion, and do
9 not have suggestions to expedite the presentation of evidence at trial (e.g. through summaries or
10 stipulated facts), and any request to bifurcate issues, claims or defenses.

11 16. Expedited Schedule:

12 The parties believe this case can be resolved on cross-motions for summary judgment.

13 17. Scheduling:

14 Plaintiff's motion for summary judgment and defendants' cross-motion is scheduled to be
15 heard on September 27, 2007.

16 18. Trial:

17 The parties do not anticipate the need for a trial in this case.

18 19. Disclosure of Non-party Interested Entities or Persons:

19 The parties' intend to file the "Certification of Interested Entities or Persons" required by Civil
20 Local Rule 3-16.

21 20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this
22 matter.

23 None.

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1 Dated: September 25, 2007

Respectfully submitted,

2 SCOTT N. SCHOOLS
3 United States Attorney

4 /s/
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ILA C. DEISS
6 Assistant United States Attorney
7 Attorney for Defendants

8 Dated: September 25, 2007

9 /s/
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SAM CLAYTON
Pro Se

11
12 **ORDER**

13 The Joint Case Management Statement and Proposed Order are hereby adopted by the
14 Court as the Case Management Order for the case, and the parties are ordered to comply with this
15 Order.

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17 Date:

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19 CLAUDIA WILKEN
20 United States District Judge
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